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6 Attorneys for Defendants

7  
8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
10

11 ALEX VILLANUEVA,

12 Plaintiff,

13 v.

14 COUNTY OF LOS ANGELES,  
15 COUNTY OF LOS ANGELES  
SHERIFF'S DEPARTMENT, LOS  
16 ANGELES COUNTY BOARD OF  
SUPERVISORS, COUNTY EQUITY  
OVERSIGHT PANEL, LOS  
17 ANGELES COUNTY OFFICE OF  
INSPECTOR GENERAL,  
18 CONSTANCE KOMOROSKI,  
MERCEDES CRUZ, ROBERTA  
19 YANG, LAURA LECRIVAIN,  
SERGIO V. ESCOBEDO, RON  
20 KOPPERUD, ROBERT G. LUNA,  
MAX-GUSTAF HUNTSMAN,  
21 ESTHER LIM, and DOES 1 to 100,  
inclusive,

22 Defendants.  
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**CASE NO. 2:24-cv-04979 SVW (JCx)**

**DEFENDANTS' NOTICE OF  
MOTION FOR SUMMARY  
JUDGMENT**

*[Filed Concurrently with Memorandum  
of Points of Points and Authorities;  
Declarations in Support; Separate  
Statement; Compendium of Evidence;  
Notice of Lodging; and [Proposed]  
Order]*

Date: May 19, 2025

Time: 1:30 p.m.

Crtrm.: 10A

Assigned to the Hon. Stephen V.  
Wilson and Magistrate Judge Jacqueline  
Chooljian

Trial Date: June 3, 2025

1 TO THE COURT, ALL PARTIES AND THEIR RESPECTIVE COUNSEL  
2 OF RECORD:

3 PLEASE TAKE NOTICE that on May 19, 2025, at 1:30 p.m. or as soon  
4 thereafter as the matter may be heard in Courtroom 10A of the above-captioned  
5 Court, located at First Street Courthouse, 350 W. 1st Street, Los Angeles, California  
6 90012, Defendants will and hereby do respectfully move this Court for an order  
7 granting Defendants' Motion for Summary Judgment on the following grounds:

8 **No Genuine Dispute of Material Fact as to First Amendment Claim**

9 Plaintiff fails to meet his *prima facie* burden to establish a First Amendment  
10 claim. He cannot show a material adverse action that prevented him from  
11 performing his job as Sheriff or that chilled his speech. The voters, not Defendants,  
12 ended Plaintiff's tenure in office; and Plaintiff has continued to freely air his  
13 views—and oppose the Board—on public issues.

14 The POE investigations and resulting file notation (which is a notation to the  
15 file about a finding, not an edict not to hire) are insufficient to support a First  
16 Amendment claim. They do not preclude Plaintiff's ability to seek employment  
17 with the County and have no bearing on his ability to seek employment elsewhere.

18 Moreover, there is no "substantial causal relationship" between Plaintiff's  
19 protected speech and the file notation. Nor is Plaintiff's speech the "but-for" cause  
20 for the notation. Plaintiff's founded violations of the Policy of Equality indisputably  
21 are the cause.

22 **No Monell Liability**

23 Plaintiff cannot satisfy *Monell*. Plaintiff does not identify a County policy,  
24 custom, or practice that caused him harm. To the contrary, he alleges that he was  
25 targeted by the Board in an "*unprecedented*" way.

26 **Standing**

27 Plaintiff lacks standing because he has not been injured. Plaintiff has not  
28 even attempted to seek employment with the County. Nor is there any evidence that

1 he applied for and was denied a job with anyone because of the file notation.

2 **The County is the Only Proper Defendant**

3 The County is the only proper defendant. Plaintiff sued the County and 13  
4 other defendants, which are either County subdivisions or employees or contractors  
5 acting in their official capacity. There are no facts to show that individual  
6 defendants were not acting in their official capacity. Official capacity claims can  
7 only be brought against a county entity. The same is true for the County subdivision  
8 defendants. This Court has recognized on numerous occasions that subdivisions  
9 should be dismissed where, as here, a party asserts claims that are identical to those  
10 asserted against the entity. In addition, there is no genuine dispute of material fact  
11 that Sheriff Luna and the Board were not involved in the complaints.

12 \* \* \*

13 The Motion is based upon this notice of motion; the concurrently filed  
14 Memorandum of Points and Authorities; the supporting Declarations; the Statement  
15 of Uncontroverted Facts and Conclusions of Law; the Compendium of Evidence;  
16 the pleadings and records on file in this action; and any further evidence or  
17 argument received by the Court in connection with the Motion.

18 **Local Rule 7-3 Compliance**

19 This Motion is made following correspondence and a meet and confer  
20 between counsel which took place on April 10, 2025. (*See* Declaration of Jason H.  
21 Tokoro ¶¶ 2–3 & Ex 1.) The parties were unable to reach agreement as to Plaintiff's  
22 first cause of action under the First Amendment. (*See id.* ¶ 3.)  
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DATED: April 21, 2025

Respectfully Submitted,  
  
MILLER BARONDESS, LLP

By:           /s/ Jason H. Tokoro            
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